

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

ATTORNEY: RIKER DANZIG  
SCHERER HYLAND  
& PERRETTI LLP

SOVEREIGN BANK

Plaintiff(s),

Index No. 10-8967 (NRB)

Filing Date: November 30, 2010

-against-

NUBIAN REALTY, LLC, NUBIAN PROPERTIES, LLC,  
RICHELIEU W. DENNIS, NYEMA S. TUBMAN, DIANE  
NICHOLAS, NUBIAN HERITAGE DIRECT LLC,  
NUBIAN HERITAGE OF HARLEM LLC, THE  
NATIONAL BLACK THEATRE WORKSHOP INC.,  
HARLEM APPLE, LLC, NEW YORK CITY TRANSIT  
ADJUDICATION BUREAU, STATE OF NEW YORK  
DEPARTMENT OF TAXATION AND FINANCE, NEW  
YORK CITY DEPARTMENT OF TRANSPORTATION,  
NEW YORK CITY ENVIRONMENTAL CONTROL  
BOARD, NEW YORK CITY DEPARTMENT OF  
FINANCE, THYSSENKRUPP ELEVATOR COMPANY  
and JOHN DOE # 1 through JOHN DOE # 10 inclusive,

Defendant(s), X

AFFIDAVIT OF NON-SERVICE

The undersigned certifies under penalty of perjury:

I received: SUMMONS, VERIFIED COMPLAINT, AND DISCLOSURE STATEMENT with Index Number 10-8967 (NRB) Filed on November 30, 2010 and have been unable to effect service upon

NICHOLAS VARIETY, INC., S/H/A "JOHN DOE # 6"  
2035 Fifth Avenue  
New York, NY 10035

The following attempts at service were made:

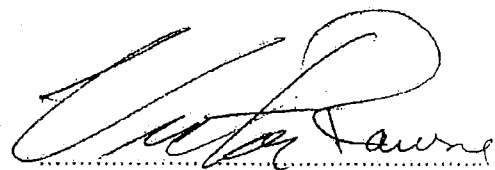
February 03, 2011 @ 02:39 P.M., the business NICHOLAS VARIETY, INC., S/H/A "JOHN DOE # 6" was closed and no longer operating business at the location, 2035 Fifth Avenue, New York, NY 10035. The process server Victor Rawner confirmed these details are true and correct, but also noted that there are two locations for the above business (NICHOLAS VARIETY, INC.) and the location at 5 East 125<sup>th</sup> Street, New York, NY 10035 is still open and conducting business as usual. At this time service has been discontinued.

I declare under penalty of perjury that the foregoing is true and correct.

Sworn to before me on the  
14 day of February, 2011

Notary Public

MELISSA HAINEY  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01HA6165654  
Qualified in Suffolk County  
My Commission Expires May 14, 2011



PRINT NAME BENEATH SIGNATURE  
VICTOR RAWNER  
License # 1192048